IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.10189 OF 1998
IN
FIRST APPEAL NO.929 OF 2004

The National Insurance Co. ...Applicant

vs.

Balasaheb Gopal Pisal & Ors. ...respondents

CORAM: A.S.OKA, J.

DATE : AUGUST 30, 2004.

P.C.:

1. Rule. The Respondents waive service. Taken up for hearing forthwith.

2. The ground of challenge in the Appeal is that in view of terms and conditions incorporated in the Contract of insurance, the Appellant-Insurance Company is not liable to pay compensation and the same will have to be paid by the owner. In so far as quantum of compensation is concerned, there is hardly any scope for challenge.

3. If the Appellant-Insurance Company succeed in the Appeal, the amount of compensation which is paid by the Appellant to the Respondent Nos. 1 and 2 can always be recovered by the Appeellant from the insured. Hence, no case is made out for grant of stay.

4. It is made clear that the withdrawal of the compensation amount by the original claimants will be subject to the final result of the Appeal.

5. With above observations, Civil Application is disposed of. There will be no order as to costs.

Judge.